

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

BLYTHE PLUMBING, LLC d/b/a

§
FIVE STAR PLUMBING,

Plaintiff,

vs.

JORGE HUMBERTO PEREZ D/B/A
5 STARS PLUMBING,

Defendant.

NO: SA:20-CV-00780-RBF

CONSENT DECREE

WHEREAS, Blythe Plumbing, LLC d/b/a Five Star Plumbing (“Blythe”) filed this action against Defendant Jorge Humberto Perez d/b/a 5 Stars Plumbing, (“Perez” or “Defendant”), arising from Defendant’s offer and sale of plumbing services under several related marks, including: “5 STARS PLUMBING” and “5 STARS MAINTENANCE & PLUMBING” (hereinafter “Disputed Services”). Blythe alleged that Perez’s conduct infringed on Plaintiff’s FIVE STAR PLUMBING service marks, for maintenance, plumbing and related services. Blythe further alleged Perez’s acts constituted common law trademark infringement and unfair competition.

WHEREAS, Perez filed an Answer and Counterclaim against Blythe, raising affirmative defenses, denying liability and damages for all claims raised in the Action, and requesting payment of Perez’s attorney’s fees.

WHEREAS, Blythe and Perez desire to fully and finally settle and resolve any and all matters in dispute between them in relation to the above-captioned litigation.

AND WHEREAS, Blythe and Perez agree to the entry of this Consent Decree before trial or further adjudication of any issues of fact or law concerning the parties’ claims, counterclaims and defenses, without conceding the merits of or any liability for such claims and defenses.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. This court has jurisdiction over the subject matter and the parties to this action.
2. The parties' request that the Court enter a Consent Decree pursuant to their settlement agreement is GRANTED.
3. IT IS HEREBY ORDERED that, going forward, Perez shall not offer or sale any goods or services using the FIVE STAR PLUMBING mark, the terms "5", "Five", or "Stars"; or any confusingly similar words, phrases, images, or marks that are confusingly similar to the FIVE STAR PLUMBING mark.
4. IT IS FURTHER ORDERED that on entry of the Consent Decree, the Complaint and Counterclaim shall be dismissed with prejudice and with all rights of appeal waived, each party to bear its own attorneys' fees and costs; and that pursuant to the stipulation of the parties, this Court shall retain jurisdiction over the parties and this matter to enforce the parties' settlement agreement and compliance with this Consent Decree.

IT IS SO ORDERED.

Dated: 05/27/2021



UNITED STATES MAGISTRATE JUDGE